

**MINUTES**

**MEETING OF THE RECLAMATION BOARD  
TRLIA SUB-COMMITTEE**

**February 26, 2007**

A special meeting (open session) of the Reclamation Board TRLIA Sub-Committee was held on February 26, 2007 beginning at 9:04 a.m. in the Yuba County Government Center, 915 Eighth Street, Conference Room #1, Marysville, CA 95901.

The following members of the Board Sub-Committee were present:

Mr. Benjamin Carter, President  
Mr. Butch Hodgkins, Vice President  
Ms. Lady Bug Doherty, Secretary

The following members of the staff were present:

Mr. Jay Punia, General Manager  
Ms. Nancy Finch, Legal Counsel  
Ms. Lorraine Pendlebury, Staff Assistant

Department of Water Resources staff present:

Mr. Rod Mayer

The following members of Three Rivers Levee Improvement Authority were present:

Ms. Mary Jane Griego, Board Member  
Mr. Dan Logue, Board Member  
Mr. Paul Brunner, Executive Director  
Mr. Scott Shapiro, Special Counsel  
Mr. Ric Reinhardt, Program Manager

Also present (according to sign-in sheet and cards):

Mr. Rex Archer  
Mr. Mark Ellis, U.S. Army Corps of Engineers  
Mr. Tom Foley, CCRG  
Mr. Tom Eres, Hofman Ranch  
Ms. Frances Hofman  
Mr. Bob Morrison, Bender Rosenthal

Mr. Dale Nieschulz  
Mr. Thomas Rice, River River Ranch  
Mr. Dan Silva, Sutter County  
Mr. Dale Smith, CCRG  
Mr. Jeffrey Twitchell, Levee District #1 of Sutter County  
Mr. Seth Merewitz, McDough, Holland & Allen

## **1. ROLL CALL**

*Board Vice President Hodgkins, Chairman of the TRLIA Sub-Committee, brought the meeting to order at 9:04 a.m. All three sub-committee members were in attendance: President Carter, Vice President Hodgkins and Secretary Doherty.*

## **2.\* APPROVAL OF AGENDA**

*Despite some opposition from audience members, specifically Mr. Rex Archer and Mr. Dale Smith, the agenda was amended by the Chairman to hear Items 3.2 and 3.3 before hearing Item 3.1.*

## **3. STATUS AND REVIEW OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY PROJECTS**

### **1. Status of applicant's compliance with permit conditions**

*Mr. Dale Smith of Concerned Citizens of Responsible Growth spoke with a demand for open government. He quoted the Supreme Court saying that "without the active involvement of citizen watchdogs, many instances of noncompliance would go unchallenged."*

*The issue is the levee at mile marker 0.79 directly behind the WalMart store in Linda. Mr. Smith believes TRLIA is working on the levee illegally. He believes the levee is unsafe and should not be certified by the Corps. He questions the Corps' assessment that the levee is safe. And he would also like the rocks removed and the levee be rebuilt.*

*Mr. Thomas Foley of CCRG does not believe TRLIA is qualified to provide flood protection for urban areas. He feels the Board should take this project over and complete the Feather River setback this year. Due to TRLIA doing several illegal projects, he feels they cannot be trusted to protect the public safety in the Yuba Basin and must be removed as a flood control entity.*

*In answer to Mr. Archer's request for availability of documents, President Carter reminded everyone present that the documents are all available on the Board website since they are public documents.*

*Mr. Eres of Hofman Ranch spoke about an assessment he had received to maintain the levee that TRLIA had worked on. He has been unable to find out how the assessment has been calculated and would like that information. He feels that it is unfair to assess landowners who live in areas that traditionally have never flooded to pay for a levee they don't need. He also questions how TRLIA will maintain the levee in the future.*

*President Carter stated that the Board Counsel would reply to the Bagley-Keene issues through a letter. He also advised Mr. Archer that his lack of confidence with the Corps was a Corps issue. He should deal with the Corps directly.*

*Dr. Smith spoke of the cut in the levee and again stated the need for the levee to be fixed properly. Mr. Brunner stated that if there is a problem, they would fix it.*

2. Status and plans for the Phase 4 of Feather River Improvement Program

*Mr. Paul Brunner, TRLIA Executive Director, along with other TRLIA Board Members, welcomed the Sub-Committee to Yuba County.*

*Special Counsel Scott Shapiro then gave a presentation. He talked about the history, design, permitting and construction schedule of the setback levee and what remained to be done to achieve the 200-year level of protection by 2007/2008. He explained the four primary categories of benefits: (1) provides superior flood protection for south Yuba County, (2) provides regional flood control benefits, (3) is consistent with the Flood Safe California Program, and (4) creates up to 1550 acres of habitat for restoration and mitigation.*

*Mr. Shapiro discussed the design, permitting and construction schedule in some detail; and also the interplay with the existing implementation agreement and the funding agreement. TRLIA is in communication with DWR regarding State funding. He explained that it is not a case of the project being the same, and that the costs have grown; rather it is that the project has changed.*

*Chairman Hodgkins then commented that there is a recurring pattern of cost rising on levee repairs due to the fact that the levees are old, and often in worse shape than expected.*

*In answer to a question from Member Doherty, TRLIA's Mr. Brunner and Bob Morrison of Bender Rosenthal spoke on implementing condemnation for parcels in the setback area. They also addressed the time-frame for condemnation procedures.*

*Mr. Rex Archer pointed out that TRLIA has always pursued condemnation before funding was actually secure. Mr. Brunner pointed out that they do have funding,*

*from DWR and from Fish and Game, as well as from projected participant landowner capital call.*

*Mr. Rod Mayer, Chief of Division of Flood Management of DWR verified that the Department does have a process as described by Mr. Brunner for reimbursement.*

*Mr. Archer then questioned where the money was being spent.*

*Mr. Dale Nieschulz, a landowner by the setback levee felt the money he expected to be offered would not be enough to keep their farming operation in business. Mr. Shapiro answered that TRLIA would be taking into account the true value of the land, and that money would be deposited before it goes to condemnation.*

*Ms. Frances Hofman stated that she feels money should be spent on the road out as a first priority. She questioned the money that TRLIA has and how they can stay on schedule.*

*Mr. Thomas Rice of Rice River Ranch spoke saying he felt that the acquisition of land should all be done in one segment, rather than the three segments TRLIA is working with.*

*Mr. Rex Archer called for an audit of Three Rivers to be delivered to the Board in the coming month.*

3. Department of Water Resources' participation in the Phase 4 Feather River Improvement Program

*Mr. Rod Mayer, Chief of Division of Flood Management, stated that this setback levee project is a type that DWR is very interested in seeing implemented in the Central Valley. He explained the new Flood Control System Modification Program and briefly explained the criteria to develop a grant solicitation package, the screening process, and selection. He also answered questions from the public and the Sub-Committee. He explained that hydraulic impacts and hydraulic mitigation are part of the technical challenges and would be part of the review process for projects.*

*Mr. Dan Silva of Sutter County, and Mr. Jeff Twitchell of LD #1 of Sutter County, both spoke in support of the setback levee.*

*Mr. Mark Ellis, Corps of Engineers, gave an update on where the work was in the certification process.*

*Mr. Thomas Rice of Rice River Ranch voiced concerns about setting up for other, unknown risks.*

#### **4. PUBLIC COMMENTS**

*There were no further public comments; public made their comments under discussion of Item 3.1.*

#### **5. ADJOURN**

*Chairman Hodgkins adjourned the meeting at 12:22 p.m.*

Dated: \_\_\_\_\_

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Maureen Doherty  
Secretary

The foregoing minutes were approved:

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Benjamin F. Carter  
President